

BILL ANALYSIS

Senate Research Center
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S.B. 40
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that public funds used by a political subdivision for the purposes of bailing an individual out of jail actually works in contradiction to the public's best interest. S.B. 40 seeks to address these concerns by prohibiting the use of public funds of a political subdivision to pay a nonprofit organization that accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond. The bill creates a pathway for a taxpayer or resident of the political subdivision to seek injunctive relief to prevent further action by a political subdivision that violates these restrictions.

As proposed, S.B. 40 amends current law relating to the use by a political subdivision of public funds to pay bail bonds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 140, Local Government Code, by adding Section 140.014, as follows.

Sec. 140.014. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS TO PAY BAIL BONDS. (a) Prohibits a political subdivision from spending public funds to pay a nonprofit organization that accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond.

(b) Provides that a taxpayer or resident of a political subdivision, if the political subdivision engages in an activity prohibited by Subsection (a), is entitled to appropriate injunctive relief to prevent further activity prohibited by that subsection and further payment of public funds related to that activity.

(c) Provides that a taxpayer or resident who prevails in an action under Subsection (b) is entitled to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Effective date: September 1, 2025.